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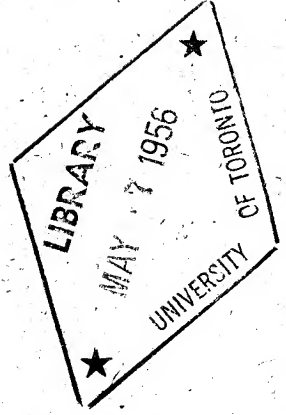
Third Session, Twenty-Second Parliament, 4-5 Elizabeth II, 1956.

THE SENATE OF CANADA

BILL B.

An Act to amend the Canadian Citizenship Act.

AS PASSED BY THE SENATE, 26th APRIL, 1956.



EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
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R.S. c. 33;
1952-53, c. 23;
1953-54, c. 34. HER Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:

1952-53, c. 23,
s. 12. 1. (1) Paragraph (f) of section 2 of the *Canadian
Citizenship Act* is repealed and the following substituted 5
therefor:

"Clerk" or
"Clerk of
the Court."
“(f) “Clerk” or “Clerk of the Court” includes all
officers exercising the functions of prothonotary,
registrar or clerk of any court having jurisdiction
under this Act, and, where a person is designated to 10
act as a court for the purposes of this Act, means any
such officer approved by the Minister and available
to assist the designated person as his clerk or any
other person nominated by the Minister to be the
Clerk of the Court and, if no such officer is so approved 15
or no other person is so nominated, means the
designated person;”

(2) Paragraph (h) of section 2 of the said Act is repealed
and the following substituted therefor:

"Court."
“(h) “Court” means any superior, circuit, county or 20
district court and includes in the province of Quebec,
any district magistrate, and any court or person
designated under subsection (2) of section 34 to act
as a court for the purposes of this Act;”

2. Subparagraph (i) of paragraph (b) of subsection (1) 25
of section 5 of the said Act is repealed and the following
substituted therefor:

“(i) at the time of that person's birth,
(A) if born in wedlock, his father was a Canadian
citizen,

EXPLANATORY NOTES.

1. (1) The present provision reads as follows:

"(f) "Clerk" or "Clerk of the Court" includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and, where a person is designated by the Governor in Council to act as a court for the purposes of this Act, means any such officer approved by the Minister *and available to assist the said person as his clerk* or, if no such officer is so approved, means the said person;"

The purpose of the amendment is to authorize the appointment of a Clerk of the Court for the purposes of this Act in those cases where no existing court official is available to act.

(2) The present definition of "Court" reads as follows:

"(h) "Court" means any Superior, Circuit, County or District Court and includes in the Province of Quebec any district magistrate, and, *in the Northwest Territories and in the Yukon Territory, any stipendiary magistrate or any other person designated by the Governor in Council under this Act;*"

The proposed amendment is consequential upon the amendments to section 34, as set out in clause 8 of this Bill.

2. The present provision reads as follows:

"(i) his father, or in the case of a child born out of wedlock, his mother, at the time of that person's birth, is a Canadian citizen, and"

- (B) if born out of wedlock, his mother was a Canadian citizen, or
 (C) if born out of wedlock and his parents have inter-married, his father was a Canadian citizen, and"

3. Section 9 of the said Act is amended by adding 5 thereto the following subsection:

Indians or
Eskimos.

"(4) An Indian as defined in the *Indian Act*, or a person of the race of aborigines commonly referred to as Eskimos, other than a natural-born Canadian citizen, is a Canadian citizen if that person

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(a) had a place of domicile in Canada on the 1st day of January, 1947, and

(b) on the 1st day of January, 1956, had resided in Canada for more than ten years,

and such person is deemed, for the purposes of section 19, 15 to have become a Canadian citizen on the 1st day of January, 1947."

4. (1) Subsection 4 of section 10 of the Act is amended by deleting the word "or" at the end of paragraph (b) and placing this word as the last word of paragraph (c) and by 20 adding a new paragraph immediately after paragraph (c) as follows:

"(d) a British subject under the *Naturalization Act*, chapter 138 of the Revised Statutes of Canada, 1927;"

1952-53, c. 23,
s. 17 (4).
Certificate
to minor
children.

(2) Subsections (5) and (6) of section 10 of the said Act 25 are repealed and the following substituted therefor:

"(5) The Minister may, in his discretion, grant a certificate of citizenship to a minor child of a person who is a Canadian citizen other than a natural-born Canadian citizen if

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(a) the application is made by the responsible parent of the child or by a person authorized by the regulations, and

The purpose of the amendment is to provide that where a child is legitimized by the marriage of the parents the requirements of this subparagraph are satisfied if either the father or the mother is a Canadian citizen.

3. This provision is new. It is intended to cover Indians or Eskimos who have long resided in Canada but may have originated in Alaska.

4. (2) Subsections (5) and (6) now read as follows:

"(5) The Minister may, in his discretion, grant a certificate of citizenship to a minor child of a person who is a Canadian citizen other than a natural-born Canadian citizen, *on the application of the said person*

- (a) if the said person is the responsible parent of the child; and
- (b) if the child has been lawfully admitted to Canada for permanent residence and, where he is fourteen or more years of age, has an adequate knowledge of either the English or the French language."

(6) Any period during which an applicant for a certificate of citizenship has served in the armed forces of Canada or was employed outside of Canada in the public service of Canada or of a province thereof, otherwise than as a locally engaged person, shall be treated as equivalent to a period of residence in Canada for the purposes of subsections (1), (2) and (4)."

(b) the child has been lawfully admitted to Canada for permanent residence and, where he is fourteen or more years of age, has an adequate knowledge of either the English or the French language.

(6) Any period during which an applicant for a certificate of citizenship

(a) has served in the armed forces of Canada,

(b) was employed outside of Canada in the public service of Canada or of a province, otherwise than as a locally engaged person, or

(c) was the wife of a person described in paragraph (a) or

(b) and was residing with him while he was serving or was employed as described in those paragraphs,

shall be treated as equivalent to a period of residence in Canada for the purposes of subsections (1), (2) and (4)."

(3) Section 10 of the said Act is further amended by adding thereto the following subsections:

Persons who previously satisfied residence requirements.

"(8) Subparagraph (i) of paragraph (c) of subsection (1) does not apply to a person who has resided continuously in Canada for a period of one year immediately preceding the 1st day of June, 1956, and had been admitted to Canada for permanent residence prior to that date and, in addition, has also resided in Canada for a further period of not less than four years during the six years immediately preceding the 1st day of June, 1953.

Effect of visa to member of forces or wife and other cases.

"(9) Any of the following persons, namely,

(a) a person serving or employed as described in subsection (6), or

(b) the wife or child of such person,

who has been granted an immigrant visa by a Canadian Immigration Officer shall, for the purposes of this section, be deemed to have been lawfully admitted to Canada for permanent residence."

5. Section 26 of the said Act is repealed and the following substituted therefor:

Where application made.

"**26.** An application under subsection (1) of section 10 for a certificate of citizenship shall be made to the court in the judicial district in which the applicant resides or as otherwise prescribed by regulation."

6. Section 28 of the said Act is repealed and the following substituted therefor:

Filing of opposition.

"**28.** At any time after the filing of an application for a certificate of citizenship and previous to the hearing of the application, any person objecting to the granting of the

The purpose of the amendment to section 5 is to permit an application by a guardian or other responsible person.

By this amendment to subsection (6), the wives of persons described in this subsection may also count the period abroad as equivalent to residence in Canada.

(3) This provision is new and provides that persons who satisfy residence and domicile provisions before the 1953 amendments to the *Citizenship Act* may be regarded as satisfying the present provisions if such persons have been lawfully admitted to Canada for permanent residence prior to June 1, 1956.

The proposed subsection (9) is new and is intended to provide that certain persons who have been granted an immigrant visa shall be deemed to have been landed in Canada.

5. Section 26 now reads as follows:

"26. An application for a certificate of citizenship shall be made to the Court in the judicial district in which the applicant resides or as otherwise prescribed by regulation."

Applications are made to a court only in cases under subsection (1) of section 10.

6. Section 28 now reads as follows:

"28. At any time after the filing of an application for a certificate of citizenship and previous to the hearing of the application, any person objecting to the granting of the certificate to the applicant may file in the Court an opposition in which shall be stated the grounds of his objection."

certificate to the applicant may file in the Court, or otherwise as prescribed in the regulations, an opposition in which shall be stated the grounds of his objection."

7. Sections 30, 31 and 32 of the said Act are repealed and the following substituted therefor:

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Copy of
favourable
decision
transmitted
to Minister.

"30. If the Court decides that the applicant for a certificate of citizenship is a fit and proper person to be granted such certificate and possesses the required qualifications, the decision shall be transmitted by the Clerk of the Court to the Minister in accordance with the regulations." 10

Grant and
delivery of
certificates.

"31. When a Court has made a decision under section 30, a certificate of citizenship may in the discretion of the Minister be granted to the applicant, and the certificate shall be delivered to the applicant and the oath of allegiance 15 taken by him as prescribed by regulation.

Instruction re
responsibilities
and
privileges.

"32. The Minister shall take such measures as to him may appear fitting to provide facilities to enable applicants for certificates of citizenship to receive instruction in the responsibilities and privileges of Canadian citizenship." 20

1952-53, c. 23,
s. 20 (5).

S. Paragraph (b) of subsection (2) of section 34 of the said Act is repealed and the following substituted therefor:

"(b) designate any court or person in any part of Canada to act as a Court for the purposes of this Act and any court or person so designated shall be deemed to be 25 a Court for all purposes under this Act, and

(c) designate any officer of the Canadian Forces outside of Canada to act as a Court for the purpose of dealing with applications under subsection (1) of section 10 made by persons serving in the armed forces of Canada 30 outside of Canada, and any officer so designated shall be deemed to be a Court under this Act for such purpose."

The purpose of the amendment is to permit regulations to be made respecting the filing of oppositions.

7. Sections 30, 31 and 32 now read as follows:

"30. If the Court decides that the applicant for a certificate of citizenship is a fit and proper person to be granted such certificate and possesses the required qualifications, a certified copy of the decision shall be transmitted by the Clerk of the Court to the Minister *together with the application and such other papers, documents and reports as may be required by regulation.*

"31. When the Minister receives a decision of the Court under section 30 and thereupon, in his discretion, grants a certificate of citizenship, he shall send the certificate to the Clerk of the Court by whom such decision was forwarded, or as otherwise prescribed by regulation, and upon the applicant taking the oath of allegiance, the Clerk shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of the oath of allegiance which date shall be the date of the certificate of citizenship.

"32. The Minister, *with the approval of the Governor in Council*, shall take such measures as to him may appear fitting to provide facilities to enable applicants for certificates of citizenship to receive instruction in the responsibilities and privileges of Canadian citizenship."

The amendment to section 30 is intended to permit regulations to be made governing the transmission of material to the Minister.

The proposed amendment to section 31 is intended to permit regulations to be made respecting delivery of the certificate and taking of the oath of allegiance.

The proposed amendment to section 32 would authorize the Minister to undertake instruction without the prior approval of the Governor in Council.

8. The present subsection (2) now reads as follows:

"(2) The Governor in Council may

(a) authorize the issue of a proclamation declaring that any part of Her Majesty's dominions not listed in the First Schedule is a country of the British Commonwealth for the purposes of this Act, and

(b) designate, in any part of Canada, any court or person to act as a Court for the purposes of this Act and any such court or person so designated shall be deemed to be a Court for all purposes under this Act."

The purpose of the amendment is to provide for designation of members of the Canadian forces outside Canada to hear applications from members of the Canadian forces.